

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-36229 – EXTENSION OF TIME- VARIANCE -**

**APPLICANT/OWNER: WAYWARD PROPERTIES, INC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Variance (VAR-19609) shall expire on October 17, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Variance (VAR-19609) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

There is currently a vacant building on the subject site with a previously approved Variance (VAR-19609) to allow a 50-foot lot width where 60 feet is the minimum lot width required; and a four-foot side yard setback where five feet is the minimum required for a proposed 3,299 two-story professional office building. No building permits or business licenses have been issued for the proposed use. There have not been any significant land use changes or new development in the surrounding area. The applicant is requesting an extension of time due to the current economic conditions in Las Vegas. Staff recommends approval of this request with a two-year time limit.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/17/07	The City Council approved a request for Rezoning (ZON-18923) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) in 0.16 acres at 514 South 7th Street. The Planning Commission recommended approval on 08/23/07.
	The City Council approved a related request for a Variance (VAR-18924) to allow seven parking spaces where 11 are required.
	The City Council approved a related request for a Variance (VAR-19609) to allow a 50-foot lot width where 60 feet is the minimum lot width required , a four-foot side yard setback where five feet is the minimum required, and a 17-foot front yard setback where 20 feet is the minimum required.
	The City Council approved a related request for a Site Development Plan Review (SDR-18923) for a two-story, 3,299 square-foot professional office building with waivers to allow perimeter landscape buffer widths of four feet on the north and zero feet on the south property lines where eight feet is the minimum required.
10/14/08	A Code Enforcement case (70618) was processed for cars being stored in the yard at 514 South 7 <sup>th</sup> Street. Code Enforcement closed the case on 10/20/08.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no current business licenses or building permits for the subject site.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	

<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Duplex (Vacant)	MXU (Mixed Use)	P-R (Professional Office and Parking)
North	Apartments	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Offices	MXU (Mixed Use)	P-R (Professional Office and Parking)
East	Offices	MXU (Mixed Use)	R-1 (Single Family Residential) and P-R (Professional Office and Parking)
West	Offices	MXU (Mixed Use)	P-R (Professional Office and Parking) and R-4 (High Density Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Las Vegas Redevelopment Plan	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Las Vegas High School Neighborhood District	X		Y
Live/Work Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first request for an Extension of Time of a previously approved Variance (VAR-19609) to allow a 50-foot lot width where 60 feet is the minimum lot width required; and a four-foot side yard setback where five feet is the minimum required for a proposed 3,299 two-story professional office building. Since the approval of the Variance (VAR-19609), one Code Enforcement case (70618) was processed for cars being stored on the property, which was

subsequently closed by Code Enforcement. No building permits or business licenses have been issued for the proposed use.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

## **FINDINGS**

The Variance (VAR-19609) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement. There have not been any significant land use changes or new development in the surrounding area. The applicant is requesting an extension of time due to the current economic conditions in Las Vegas. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-19609) shall be required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0